

30243. Adulteration and misbranding of gauze bandage and surgical absorbent gauze. U. S. v. 25 Gross of Gauze Bandage and 8 Gross of Surgical Absorbent Gauze. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. Nos. 43028, 43063. Sample Nos. 18955-D, 18956-D.)

These products were represented to be sterile, but at the time of examination were found to be contaminated with viable micro-organisms. They had been shipped in interstate commerce and at the time of seizure remained unsold and in the original packages.

On July 6 and 15, 1938, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 25 gross of gauze bandage and 8 gross of surgical absorbent gauze at Los Angeles, Calif.; alleging that the articles had been shipped on or about July 20, 1937, and April 6, 1938, from New York, N. Y., by Acme Cotton Products Co., Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that their purity fell below the professed standard or quality under which they were sold, "Sterilized after Packaging," since they were not sterile but were contaminated with viable micro-organisms.

Misbranding was alleged in that the statements on the cartons, (both products) "High Test" and "Sterilized after packaging"; (gauze bandage) "This gauze bandage has been prepared from surgical gauze for ready use in first aid or for any other purpose"; (surgical absorbent gauze) "This surgical gauze * * * has been processed to a high degree of * * * refinement for use in the sick room, nursery, first aid, or general household uses," were false and misleading when applied to articles that were not sterile.

On July 23, 1938, Acme Cotton Products Co., Inc., claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered, and the products were ordered released under bond, conditioned that they be relabeled under the supervision of this Department. The relabeled products bore the statement: "Gauze Bandage Not Sterile—Warning: This bandage should not be applied to a cut, wound, abrasion, or sore, nor where the skin is broken, nor upon the eyes, in the nose, or in other body cavities, nor as padding in the dressing of fractures where there is any possibility that an abrasion has taken place, unless it is previously completely sterilized."

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30244. Adulteration and misbranding of Bromo Sed and Somno Sed. U. S. v. Roche, Renaud Pharmaceutical Co. Inc., and Thomas N. Roche, and Lawrence J. Renaud. Pleas of guilty. Fines, \$52. (F. & D. No. 42539. Sample Nos. 13928-D, 13929-D.)

These products were represented to contain 2 grains of phenobarbital and 80 grains of strontium bromide per fluid ounce but contained not more than 1.53 and 1.49 grains, respectively, of phenobarbital and not more than 70.3 and 70.7 grains, respectively, of strontium bromide per fluid ounce.

On September 9, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Roche, Renaud Pharmaceutical Co. Inc., Fairhaven, Mass., Thomas N. Roche, and Lawrence J. Renaud, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act within the period from on or about November 22, 1937, to on or about December 29, 1937, from the State of Massachusetts into the State of Rhode Island of quantities of Somno Sed and Bromo Sed, which were adulterated and misbranded.

The articles were alleged to be adulterated in that their strength and purity fell below the professed standard under which they were sold, in that they were labeled, "Each fluid ounce contains: Phenobarbital 2 Grains, Strontium Bromide 80 Grains"; whereas each fluid ounce of the article contained less than 2 grains of phenobarbital and less than 80 grains of strontium bromide.

Misbranding was alleged in that the statement on the labels, "Each Fluid Ounce Contains: Phenobarbital 2 Grains, Strontium Bromide 80 Grains," was false and misleading.

On February 15, 1939, pleas of guilty were entered by the individual defendants and on behalf of the corporation, and the court imposed a fine of \$50 against the corporation, and a fine of \$1 against each of the individuals.

HARRY L. BROWN, *Acting Secretary of Agriculture.*